

## **REGULAR MEETING**

### **June 10, 1996**

The Regular Meeting of the Annapolis City Council was held on June 10, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Moyer offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore

Alderman Snowden moved to approve the Minutes of April 29, 1996, May 6, 1996, May 13, 1996, May 20, 1996, May 30, 1996 and the Closed Minutes of February 26, 1996, April 8, 1996, April 29, 1996, May 6, 1996 and to open those Closed Minutes to the public. Seconded. CARRIED on voice vote.

## **PETITIONS, REPORTS AND COMMUNICATIONS**

1. Louise Beauregard  
Christian Services, USA  
2 Maryland Avenue  
Annapolis, MD 21401

Spoke regarding women's issues.

2. Wayne Wiggins, Sr.  
7800 Wiggins Lane  
Pasadena, MD 21112

Spoke regarding concerns relative to the Department of Parking and Transportation.

3. Paul Coe  
65 West Street  
Annapolis, MD 21401

Spoke in support of Resolution R-22-96.

4. Ann Pearson  
Annapolis Summit  
No address given.

Spoke regarding the workshop being presented by First Annapolis Summit on growth and transportation.

5. Jim Vance  
96 East Street  
Annapolis, MD 21401

Spoke regarding Ordinance O-12-96 and O-26-96.

6. Dan Masterson  
11 King Court  
Annapolis, MD 21401

Spoke in support of Charter Amendment CA-2-96.

7. Cynthia Eckert

106 N. Linden Avenue  
Annapolis, MD 21401

Spoke in support of Charter Amendment CA-2-96.

8. Gilbert Renaut, President  
Ward One Residents Association  
115 Monticello Avenue  
Annapolis, MD 21401

Spoke on behalf of the Ward One Residents Association in favor of Charter Amendment CA-2-96. Mr. Renaut spoke on a personal note regarding Resolution R-22-96.

## **SPECIAL ORDER OF BUSINESS**

- R-27-96** For the purpose of annexing certain property lying near Greenbriar Lane and Forest Drive, contiguous to the existing boundary of the City of Annapolis.

Alderman Snowden moved that the applicants work with the Public Works and Planning and Zoning Departments to provide the necessary studies for proper consideration of this petition. Seconded. CARRIED on voice vote.

## **ACTION ON APPLICATIONS AND APPEALS**

- R-7-96** For the purpose of annexing certain property lying on the southwest side of Bay Ridge Road at its intersection with Edgewood Road, contiguous to the existing boundary of the City of Annapolis.

Alderman Tullier moved to substitute R-7-96 Revised for R-7-96. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend R-7-96 Revised as follows:

On Page 6, line 15, add the following:

**AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the portion of the property to be annexed which is owned by Laurance A. Leonard, Jr., being known as 951 Bay Ridge Avenue and more particularly described as Lots 9 and 10, Parcel 45 as shown on Anne Arundel County Tax Map 57, and the unimproved parcel of land owned by Kramer Associates Joint Venture being .5 more or less acres, being Parcel B as shown on Exhibit D to the Petition (the two aforesaid parcels are referred to as the "Leonard Property") shall be exempt from paying any real estate taxes in excess of those real property taxes that would be due and payable if the Leonard Property remained outside the City of Annapolis, for a period of ten (10) years from the date of annexation. Provided, however, that any improvements made to the Leonard Property after the effective date of R-7-96 Revised shall not be exempt from full City of Annapolis real property taxes and that if the Leonard Property is transferred to another person or entity other than Laurance A. Leonard, Jr. during said ten (10) year period then this exemption shall terminate. The Leonard Property shall also be exempt from the obligation to pay any tap fees, connection charges, capital facility and capital assessment charges since the Leonard Property is already connected to City of Annapolis sewer and water.

Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt R-7-96 Revised as amended. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Tullier, Snowden, Turner, DeGraff, Moyer

NAYS: Aldermen Johnson, Gilmer

CARRIED: 7 - 2

**R-25-96** For the purpose of approving the application of M & J Investments for a conditional use to increase the bulk of a non-residential use in the Residential Conservation Overlay District located at 418 Third Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-25-96. Seconded. CARRIED on voice vote.

The regular order of the Agenda was amended to allow a Business item.

## **BUSINESS AND MISCELLANEOUS**

1. Request for sewer extension - Romar Estates (Keifer/Kimball property)

Alderman Snowden moved to approve the request for sewer extension as set forth in letters dated 3/30/96 to Mr. Jim Hurley, Deputy Director of Public Works, Anne Arundel County from Elizabeth K. Kiefer and 5/3/96 to John E. C. Patmore, Director of Public Works, City of Annapolis from John M. Brusnighan, Director, Department of Public Works, Anne Arundel County. Seconded. CARRIED on voice vote.

The regular order of the Agenda was resumed.

## **LEGISLATIVE ACTION**

### **CHARTER AMENDMENTS**

**CA-2-96** For the purpose of repealing in its entirety Article X, Annapolis Revenue Authority; and all matters relating to said Annapolis Revenue Authority.

Alderman Johnson moved to adopt CA-2-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

### **ORDINANCES**

**O-2-95** For the purpose of clarifying the purpose of historic district legislation and regulations; increasing Historic District Commission membership; revising the requirements for membership of the Historic District Commission; specifying that Commission rules of procedure shall be consistent with state and local laws; and all matters relating to said Commission.

Alderman Snowden moved to withdraw O-2-95. Seconded. CARRIED on voice vote.

**O-12-96** For the purpose of revising Chapter 21.62, Historic District, to include certain revisions authorized by the 1995 amendments to Article 66B, Section 8.01, et. seq.; and all matters relating to said chapter.

Alderman Johnson moved to adopt O-12-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-12-96.

Alderman Johnson moved to substitute O-12-96 Revised for O-12-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer  
NAYS: Aldermen Tullier, Snowden, Turner, DeGraff, Moyer  
DEFEATED: 5-4

Alderman Snowden moved to adopt O-12-96 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson  
NAYS: Mayor Hopkins, Aldermen Tullier, Snowden, Turner, DeGraff, Moyer  
ABSTAIN: Alderman Gilmer  
DEFEATED: 6-2-1

**O-15-96** For the purpose of establishing that no committee shall have more than three aldermen as members; and all matters relating to said committee membership.

Alderman Gilmer moved to adopt O-15-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-15-96.

The main motion, CARRIED on voice vote.

Alderman Snowden moved to adopt O-15-96 on third reading. Seconded. CARRIED on voice vote.

**O-16-96** For the purpose of establishing that watercraft docked at City-owned berths at certain times shall pay daily rates or failing such payment may be cited for violations of certain City Code provisions; and all matters relating to said rentals.

Alderman Turner moved to adopt O-16-96 on second reading. Seconded.

The Economic Matters Committee returned O-16-96 without recommendation.

Alderman Hammond moved to amend O-16-96 as follows:

On page 2, line 31, before the word "ANY" insert "THE HARBORMASTER MAY, AT HIS DISCRETION, ALLOW"; on that same page, line 33, strike "SHALL PAY" and insert "TO PAY LESS THAN".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-16-96 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-16-96 as amended on third reading. Seconded. CARRIED on voice vote.

**O-17-96** For the purpose of establishing that a person may not deposit snow on a City street; increasing the fine for violations of said provisions; and all matters relating to said snow removal.

Alderman Turner moved to withdraw O-17-96. Seconded. CARRIED on voice vote.

- O-24-96** For the purpose of establishing the procedures for the filling of vacancies when an existing contractual position is classified into the civil service under certain conditions; and all matters relating to said procedures.

Alderman Johnson moved to adopt O-24-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-24-96.

Alderman Johnson moved to amend O-24-96 as follows:

**Amendment No. 1:**

On Page 2, line 24, immediately following "ANY" insert "QUALIFIED AND INTERESTED".

**Amendment No. 2:**

On Page 2, line 27, immediately following "ENTITLED" insert ", IN THE PROCESS OF FILLING THE NEWLY CLASSIFIED POSITION,".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-24-96 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-24-96 as amended on third reading. Seconded. CARRIED on voice vote.

Alderman Gilmer left at 8:45 p.m.

- O-26-96** For the purpose of repealing and re-enacting Chapter 21.62, Historic District, to include certain revisions authorized by the 1995 amendments to Article 66B, Section 8.01 et. seq.; and all matters relating to said chapter.

Alderman Snowden moved to adopt O-26-96 on second reading. Seconded.

Alderman Turner moved to substitute O-26-96 Revised for O-26-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Turner  
NAYS: Aldermen Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 4-4

Alderman Snowden moved to amend O-26-96 as follows:

**Amendment No. 1:**

On Page 2, line 1, immediately following "purpose of" strike "repealing and re-enacting" and substitute "amending"; on that same page, line 3, immediately following "amendments to" add "Maryland Annotated Code,"; on that same page, line 4, immediately following "et. seq." add "with the intention that Chapter 21.62 as it exists, prior to the adoption of this ordinance, shall continue uninterrupted insofar as those provisions are repeated and re-enacted herein without change".

**Amendment No. 2:**

On Page 2, line 24, immediately following "repealed" add "and re-enacted".

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Tullier, Snowden, Turner,  
DeGraff, Moyer  
NAYS: Alderman Hammond  
CARRIED: 7-1

Alderman Snowden moved to amend O-26-96 as follows:

**Amendment No. 3:**

On Page 16, line 33, add the following:

**SEC. 21.62.190. BOUNDARIES.**

THE BOUNDARIES OF THE HISTORIC DISTRICT ARE ESTABLISHED AS  
FOLLOWS:

BEGINNING FOR THE SAME AT THE INTERSECTION OF THE CENTERLINE OF SOUTHGATE AVENUE WITH THE TIDEWATERS OF SPA CREEK; THENCE LEAVING THE BEGINNING POINT AND RUNNING WITH THE TIDEWATERS OF SPA CREEK WESTERLY ONE HUNDRED FIFTY FEET, MORE OR LESS, TO INTERSECT A LINE DRAWN PARALLEL TO AND DISTANT SOUTHWESTERLY ONE HUNDRED FIFTY FEET, AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SOUTHGATE AVENUE; THENCE LEAVING THE TIDEWATERS OF SPA CREEK AND RUNNING NORTHWESTERLY WITH THE LINE PARALLEL TO SOUTHGATE AVENUE TO INTERSECT THE CENTERLINE OF FRANKLIN STREET; THENCE LEAVING FRANKLIN STREET, CONTINUING PARALLEL TO SOUTHGATE AVENUE ONE HUNDRED FEET, MORE OR LESS, TO INTERSECT A LINE DRAWN PARALLEL TO AND DISTANT NORTHWESTERLY ONE HUNDRED FEET AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF FRANKLIN STREET; THENCE LEAVING THE LINE PARALLEL TO SOUTHGATE AVENUE AND RUNNING WITH THE LINE PARALLEL TO FRANKLIN STREET NORTHEASTERLY TO INTERSECT THE CENTERLINE OF SHAW STREET FROM THE POINT OF INTERSECTION RUNNING NORTHWESTERLY FOLLOWING THE CENTERLINE OF SHAW STREET NORTHWESTERLY TO A POINT ONE HUNDRED FIFTY-FIVE FEET DISTANT AS MEASURED FROM THE INTERSECTION OF THE CENTERLINE OF SHAW STREET AND THE CENTERLINE OF LAFAYETTE AVENUE; THENCE LEAVING THE POINT OF INTERSECTION AND RUNNING IN A SOUTHWESTERLY DIRECTION FOR EIGHTY FEET FOLLOWING THE EAST PROPERTY LINE OF LOT 45 AS SHOWN ON A PLAT OF CITY GATE, SECTION 1, RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY IN PLAT BOOK 77, PAGE 26; THENCE LEAVING THE LINE AND RUNNING IN A NORTHWESTERLY DIRECTION FOLLOWING THE REAR PROPERTY LINES OF LOTS 45A, 44, 43, 42 AND 41 AS SHOWN ON THE PLAT TO A POINT INTERSECTING THE CENTERLINE OF LAFAYETTE AVENUE; THENCE FOLLOWING THE CENTERLINE OF LAFAYETTE AVENUE IN A NORTHERLY DIRECTION FOR A DISTANCE OF TWO HUNDRED FEET; THENCE LEAVING THE CENTERLINE OF LAFAYETTE AVENUE AND RUNNING IN AN EASTERLY DIRECTION FOLLOWING THE SOUTHERLY PROPERTY LINE OF PARCEL 526 AS SHOWN ON TAX MAP 30 OF ANNAPOLIS, AS PREPARED BY THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION, TO A POINT INTERSECTING THE CENTERLINE OF WATER STREET; THENCE FOLLOWING THE CENTERLINE OF WATER STREET IN A NORTHERLY DIRECTION TO A POINT INTERSECTING WITH THE CENTERLINE OF LARKIN STREET; THENCE FOLLOWING THE CENTERLINE OF LARKIN STREET IN AN EASTERLY DIRECTION TO A POINT INTERSECTING THE CENTERLINE OF CITY GATE LANE; THENCE FOLLOWING THE CENTERLINE OF CITY GATE LANE IN A NORTHERLY DIRECTION TO A POINT INTERSECTING THE CENTERLINE OF WEST STREET; THENCE RUNNING WITH THE CENTERLINE OF WEST STREET EASTERLY ONE HUNDRED FEET TO INTERSECT THE CENTERLINE OF CALVERT STREET; THENCE RUNNING WITH THE CENTERLINE OF CALVERT STREET NORTHERLY TO INTERSECT THE CENTERLINE OF

NORTHWEST STREET; THENCE WESTERLY WITH THE CENTERLINE OF NORTHWEST STREET TO A POINT DISTANT ONE HUNDRED FEET FROM THE CENTERLINE OF THE EASTBOUND LANE OF THE ROSCOE ROWE BOULEVARD; THENCE PARALLEL WITH THE EASTBOUND LANE OF ROSCOE ROWE BOULEVARD TO THE SHORELINE OF COLLEGE CREEK; THENCE LEAVING THE PARALLEL TO ROSCOE ROWE BOULEVARD AND RUNNING WITH THE SHORELINE IN A GENERAL NORTHERLY AND NORTHEASTERLY DIRECTION TO INTERSECT THE PRESENT PROPERTY LINE OF THE UNITED STATES NAVAL ACADEMY; THENCE LEAVING THE SHORELINE OF COLLEGE CREEK AND RUNNING WITH THE PRESENT DIVISIONAL LINES BETWEEN THE UNITED STATES NAVAL ACADEMY AND THE CITY OF ANNAPOLIS TO THE INTERSECTION OF THE NORTHEAST SIDE OF PRINCE GEORGE STREET WITH THE SHORELINE OF SPA CREEK; THENCE LEAVING THE UNITED STATES NAVAL ACADEMY PROPERTY AND THE PRESENT PROPERTY LINE AND RUNNING WITH THE SHORELINE GENERALLY IN A WESTERLY DIRECTION TO THE PLACE OF BEGINNING. EXCEPTING ALL THAT PROPERTY KNOWN AS ST. ANNE'S CEMETERY.

SAVING AND EXCEPTING ALL THAT PROPERTY KNOWN AS SOUTHGATE HARBOR SHOWN ON A PLAT FILED AMONG THE PLAT RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND, IN PLAT BOOK 41, FOLIOS 3 AND 4, WHICH IS THE SAME PROPERTY CONVEYED BY E. NYCE FELDMEYER, UNMARRIED, TO C. EDWARD HARTMAN, II AND PATRICIA M. HARTMAN, HIS WIFE, BY DEED DATED APRIL 26, 1962, AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY IN LIBER G.T.C. 1559, FOLIO 161.

**Amendment No. 4:**

On Page 16, line 33, add the following:

**ARTICLE II. HEIGHT AND BULK LIMITS**

**SEC. 21.62.200. STATUTORY AUTHORITY.**

THE AUTHORITIES FOR THIS LAW ARE SECTION 4.01 ET. SEQ. AND SECTION 8.01 ET. SEQ. OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND. NOTHING IN THIS LAW SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF THE HISTORIC DISTRICT COMMISSION OF THE CITY TO REVIEW PROPOSALS WITH RESPECT TO HEIGHT AND BULK.

**SEC. 21.62.210. PURPOSE.**

THE PURPOSE OF THIS ARTICLE IS TO PROVIDE FOR LIGHT AND THE CIRCULATION OF AIR, TO PREVENT THE CONGESTION OF POPULATION, TO IMPLEMENT THE PURPOSE SET FORTH IN SECTION 21.62.020 OF THIS CHAPTER, AND TO BETTER PRESERVE THE EXISTING HISTORICAL AND ARCHITECTURAL CHARACTER OF THE HISTORIC DISTRICT BY LIMITING THE HEIGHT AND BULK OF BUILDINGS IN THE HISTORIC DISTRICT.

**SEC. 21.62.220. APPLICABILITY.**

THE SPECIAL HEIGHT AND BULK LIMITS APPLY ONLY TO LAND WITHIN THE HISTORIC DISTRICT AND ARE INTENDED TO BE SUPPLEMENTARY AND IN ADDITION TO THE MORE GENERAL FACTORS OF COMPATIBILITY SET FORTH IN SECTION 21.62.090 OF ARTICLE I OF THIS CHAPTER.

**SEC. 21.62.230. HEIGHT MEASUREMENT.**

THE HEIGHT OF BUILDINGS SHALL BE DETERMINED IN THE FOLLOWING MANNER:

A. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CENTER OF THE BUILDING AT THE FRONT SETBACK LINE; PROVIDED, HOWEVER, THAT IF THE BUILDING IS GREATER THAN FORTY-FOUR FEET WIDE, THE MASSING SHALL CONFORM TO SECTION 21.62.220. IN BUILDINGS GREATER THAN FORTY-FOUR FEET IN WIDTH, THE BUILDING HEIGHT MEASUREMENT SHALL BE TAKEN AT THE HIGHEST POINT OF EACH BUILDING ELEMENT AT THE FRONT SETBACK LINE.

B. ANTENNAS AND MECHANICAL EQUIPMENT UP TO THIRTY INCHES HIGH SHALL NOT BE COUNTED IN COMPUTING HEIGHT, AND PENTHOUSES, OTHER STRUCTURES AND MECHANICAL EQUIPMENT OVER THIRTY INCHES IN HEIGHT SHALL BE USED IN COMPUTING HEIGHT; CHIMNEYS ARE EXCLUDED.

C. FOR THE PURPOSE OF ACHIEVING A PERMANENT HEIGHT LIMIT, THE HEIGHT OF A BUILDING SHALL NOT BE ALLOWED TO INCREASE BECAUSE OF AN INCREASE IN THE ELEVATION OF THE FRONT SETBACK LINE OCCURRING AFTER AUGUST 10, 1970.

D. TWO LIMITS ARE ESTABLISHED FOR EACH HEIGHT DISTRICT. THE FIRST REFERS TO THE HEIGHT OF A BUILDING AT ITS HIGHEST POINT. THE SECOND REFERS TO THE HEIGHT OF A CORNICE OR LOWER ROOFLINE OF THE BUILDING AT THE FRONT SETBACK LINE. THE HEIGHT OF A BUILDING BEHIND THE FRONT SETBACK LINE MAY BE INCREASED PROVIDED IT DOES NOT EXCEED A PLANE PROJECTED AT AN ANGLE OF FORTY-FIVE DEGREES UPWARD FROM THE MAXIMUM ALLOWABLE CORNICE OR LOWER ROOFLINE HEIGHT AT THE FRONT SETBACK LINE. THE PLANE MAY CONTAIN ROOF DORMERS PROVIDED THE SUM OF THEIR WIDTHS DOES NOT EXCEED FIFTY PERCENT OF THE STREET FRONT LINEAR DIMENSIONS OF THE BUILDING. FOR GAMBREL AND GABLE ROOFS WITH RIDGE LINES PERPENDICULAR TO THE STREET, THE HEIGHT WILL BE MEASURED AS FOLLOWS: THE FIRST WILL BE MEASURED AT THE SIDE WALL AT THE FRONT SETBACK LINE AND THE SECOND AT THE RIDGE LINE.

**SEC. 21.62.240. SPECIAL HEIGHT LIMIT DISTRICTS.**

A. THE FOLLOWING SPECIAL HEIGHT LIMIT DISTRICTS ARE ESTABLISHED:

1. NO BUILDING IN THE SPECIAL HEIGHT LIMIT DISTRICT 1 MAY EXCEED A TOTAL HEIGHT OF THIRTY-TWO FEET AND HEIGHT OF TWENTY-TWO FEET AT THE CORNICE OR LOWER ROOFLINE MEASURED AT THE FRONT SETBACK LINE.
2. NO BUILDING IN THE SPECIAL HEIGHT LIMIT DISTRICT 2 MAY EXCEED A TOTAL HEIGHT OF THIRTY-EIGHT FEET AND A HEIGHT OF TWENTY-EIGHT FEET AT THE CORNICE OR LOWER ROOFLINE MEASURED AT THE FRONT SETBACK LINE.
3. NO BUILDING IN THE SPECIAL HEIGHT LIMIT DISTRICT 3 MAY EXCEED A TOTAL HEIGHT OF FORTY-FIVE FEET AND HEIGHT OF THIRTY-FIVE FEET AT THE CORNICE OR LOWER ROOFLINE MEASURED AT THE FRONT SETBACK LINE.

B. THE SPECIAL HEIGHT AND BULK LIMITS SHALL GOVERN OVER ANY OTHER HEIGHT AND BULK LIMITS ESTABLISHED IN OTHER PROVISIONS OF THIS TITLE.



C. THE LOCATION AND BOUNDARIES OF THE SPECIAL HEIGHT LIMIT DISTRICTS ARE AS SET FORTH ON THE MAP ENTITLED "HISTORIC DISTRICT SPECIAL HEIGHT AND BULK LIMITS, REVISED, MAY, 1983," CERTIFIED COPIES OF WHICH SHALL BE MAINTAINED BY THE DEPARTMENT OF PLANNING AND ZONING, WHICH SHALL CONSTITUTE A PART OF THE "CITY OF ANNAPOLIS ZONING DISTRICT MAP", ESTABLISHED BY SECTION 21.08.030.

**SEC. 21.62.250. FRONT SETBACK FOR REPLACEMENT BUILDINGS.**

WITHIN THE LIMITS OF THE HISTORIC DISTRICT ESTABLISHED BY THIS TITLE, FRONT SETBACK PROVISIONS FOR THE CONSERVATION DISTRICTS ESTABLISHED IN SECTION 21.48.040(B) AND (C) SHALL BE MODIFIED TO PROVIDE THAT WHERE A NEW BUILDING IS CONSTRUCTED WHICH TAKES THE PLACE OF AN EXISTING BUILDING, THE NEW BUILDING MAY BE CONSTRUCTED WITH THE SAME FRONT SETBACK AS EXISTED FOR THE BUILDING IT REPLACES; OTHERWISE, THE NEW BUILDING SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 21.48.040(B) AND (C).

**SEC. 21.62.260. SIDE YARDS.**

WITHIN THE LIMITS OF THE HISTORIC DISTRICT ESTABLISHED BY THIS CHAPTER, THE SIDE YARD REQUIREMENT SPECIFIED IN SECTION 21.50.050(A)(2) FOR THE C-1 CONSERVATION DISTRICT SHALL BE MODIFIED TO REQUIRE:

A. EXISTING YARDS. EXISTING SIDE YARDS SHALL BE MAINTAINED; PROVIDED, THAT THEY ARE NOT REQUIRED TO BE GREATER THAN FIVE FEET.

B. NEW CONSTRUCTION. WHERE A NEW BUILDING REPLACES A BUILDING THAT HAD A SIDE YARD, THE SIDE YARD SHALL BE MAINTAINED; PROVIDED, THAT IT IS NOT REQUIRED TO BE GREATER THAN FIVE FEET. WHERE A NEW BUILDING REPLACES A BUILDING WHICH DID NOT HAVE SIDE YARD, THEN A SIDE YARD IS NOT REQUIRED. IN ALL OTHER CASES OF NEW BUILDING, A SIDE YARD OF FIVE FEET IS REQUIRED.

**SEC. 21.62.270. WIDTH OF BUILDINGS.**

A. THE WIDTH OF NEW BUILDINGS IS GOVERNED BY THE WIDTH OF THEIR INDIVIDUAL BUILDING ELEMENTS (AS DEFINED IN SUBSECTION C OF THIS SECTION) WHICH SHOULD BE COMPATIBLE WITH THE MASSING OF STRUCTURES IN THE SURROUNDING NEIGHBORHOOD AND WITH THE HISTORIC DISTRICT TO MAINTAIN THE HISTORIC AND ARCHITECTURAL CHARACTER OF THE HISTORIC DISTRICT.

B. THE WIDTH OF INDIVIDUAL BUILDING ELEMENTS MAY NOT EXCEED TWICE THE HEIGHT OF THE LOWER ROOFLINE OF THE BUILDING AS MEASURED AT THE FRONT SETBACK LINE.

C. "BUILDING ELEMENTS" MEANS AN UNBROKEN ROOF RIDGE LINE, CORNICE OR LOWER ROOFLINE, OR WALL. A BUILDING ELEMENT WILL BE CONSIDERED BROKEN IF IT IS SIGNIFICANTLY OFFSET FROM ANOTHER BUILDING ELEMENT, OR SEPARATED FROM ANOTHER BUILDING ELEMENT BY A PROJECTION OR RECESS CREATING A SUBSTANTIAL AND DISTINCT SHADOW LINE.

**SEC. 21.62.280. EXISTING BUILDINGS.**

A. NO BUILDING EXISTING ON AUGUST 10, 1970 SHALL BE CONSIDERED TO BE NONCONFORMING BECAUSE OF A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE, AND NOTHING IN THIS ARTICLE PREVENTS

THE RESTORATION OF A DAMAGED OR DESTROYED BUILDING, SUBJECT, HOWEVER, TO THE APPROVAL OF THE HISTORIC DISTRICT COMMISSION AND SECTION 21.70.030.

B. NOTWITHSTANDING ITS INCLUSION IN THE HISTORIC DISTRICT, THE BLOCK OCCUPIED BY THE COUNTY COURT HOUSE BOUNDED BY FRANKLIN, CATHEDRAL STREETS, SOUTH STREET AND CHURCH CIRCLE, SHALL NOT BE SUBJECT TO THE HEIGHT AND BULK LIMITS SET OUT IN THIS CHAPTER; RATHER, ANY DEVELOPMENT THEREON SHALL BE SUBJECT TO "ARCHITECTURAL GUIDELINES FOR NEW BUILDINGS ON THE COUNTY COURTHOUSE BLOCK (DRAFT 10/27/93). CERTIFIED COPIES OF THE "GUIDELINES" SHALL BE MAINTAINED BY THE DEPARTMENT OF PLANNING AND ZONING.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,  
Turner, DeGraff, Moyer  
CARRIED: 8-0

Alderman Johnson moved to amend O-26-96 as follows:

**Amendment No. 5:**

On page 6, strike beginning with "A MAJORITY" on line 2 through and including "SECTION" on line 6.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson  
NAYS: Mayor Hopkins, Aldermen Tullier, Snowden, Turner, DeGraff, Moyer  
DEFEATED: 6-2

Alderman Johnson moved to amend O-26-96 as follows:

**Amendment No. 6:**

On pages 15 and 16, strike Section 21.62.150 in its entirety.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner  
NAYS: Mayor Hopkins, Aldermen Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 5-3

Alderman Snowden moved to adopt O-26-96 as amended on second reading.  
Seconded.

Alderman Snowden moved to withdraw the motion. Seconded. CARRIED on voice vote.

Alderman Snowden moved to reconsider a previous motion to substitute O-26-96 Revised for O-26-96. Seconded. CARRIED on voice vote.

Alderman Snowden moved to substitute O-26-96 Revised for O-26-96 and to refer the matter to the Planning Commission. Seconded.

Alderman Turner moved to amend O-26-96 Revised to include the following language:

On page 3, line 6 immediately following "AND", insert:

"ENHANCE THE QUALITY OF LIFE AND TO SAFEGUARD THE HISTORICAL AND CULTURAL HERITAGE OF ANNAPOLIS BY PRESERVING SITES, STRUCTURES, OR DISTRICTS WHICH REFLECT THE ELEMENTS OF THE CITY'S CULTURAL, SOCIAL, ECONOMIC, POLITICAL, ARCHEOLOGICAL, OR ARCHITECTURAL HISTORY; TO STRENGTHEN THE LOCAL ECONOMY; TO STABILIZE AND IMPROVE PROPERTY VALUES IN AND AROUND SUCH HISTORIC AREAS; TO FOSTER CIVIC BEAUTY, AND TO PRESERVE"; and

On page 5, line 10 immediately preceding ", SITE", insert "LANDMARK"; and in line 13 immediately preceding "SIGNIFICANCE" insert "CULTURAL"; and in line 13 immediately preceding ", SITE" insert "LANDMARK"; and

On page 12, amend lines 25 through 28 as follows:

"...IF ANY EXTERIOR CHANGE IS MADE WHICH WOULD AFFECT THE HISTORIC, ARCHEOLOGICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE OF A SITE OR STRUCTURE WITHIN A DESIGNATED DISTRICT OR A DESIGNATED LANDMARK, SITE, OR STRUCTURE, ~~OR STRUCTURE WITHIN A DESIGNATED DISTRICT AND PORTION OF WHICH IS VISIBLE...~~"; and

On page 20, line 6 strike "21.62.020" and substitute "21.62.010"; and in line 26, strike "21.62.220" and substitute "21.62.250".

Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend O-26-96 Revised to include the following language:

On Page 2, line 1, immediately following "purpose of" strike "repealing and re-enacting" and substitute "amending"; on that same page, line 3, immediately following "amendments to" add "Maryland Annotated Code"; on that same page, line 4, immediately following "et. seq." add "with the intention that Chapter 21.62 as it exists, prior to the adoption of this ordinance, shall continue uninterrupted insofar as those provisions are repeated and re-enacted herein without change"; and

On Page 2, line 24, immediately following "repealed" add "and re-enacted".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to substitute O-26-96 Revised including the above adopted revisions to O-26-96 Revised for O-26-96 and to refer the matter to the Planning Commission. Seconded. CARRIED on voice vote.

There being no voiced objection the order of the Agenda was amended to allow Petitions, Reports and Communications.

## PETITIONS, REPORTS AND COMMUNICATIONS

Sam Minnette, Acting Chief of Staff, County Executive's Office and Steve Cover, Director, Anne Arundel County Planning and Code Enforcement spoke briefly regarding:

1. the County's position via development of Forest Drive;
2. requested contributions for cost related Forest Drive planning; and
3. co-operation between City, County and State planning officials.

The regular order of the Agenda was resumed.

## LEGISLATIVE ACTION

## **ORDINANCES**

- O-36-96** For the purpose of changing the name of the Data Processing Committee to the Management Information Technology Committee; revising the composition and duties of said committee; and all matters relating to said committee.

Alderman Snowden moved to adopt O-36-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-36-96.

Alderman Johnson moved to amend O-36-96 as follows:

The Rules and City Government Committee endorses in concept the changes proposed by this ordinance; however, the Rules and City Government Committee questions the necessity of codifying employee-based committees. Therefore, the following amendments are offered:

On page 2, strike lines 2 through 4 in their entirety and substitute the following:

**“FOR the purpose of repealing in its entirety the Data Processing committee; and all matters relating to said committee.**

And on Page 2, strike beginning with line 22 through and including line 14 on Page 3.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-36-96 as amended on second reading. Second. CARRIED on voice vote.

Alderman Snowden moved to adopt O-36-96 as amended on third reading. Seconded. CARRIED on voice vote.

- O-42-96** For the purpose of providing that salary raises for exempt service positions shall not be awarded more than once a year; and all matters relating to said merit salary raises.

Alderman Snowden moved to adopt O-42-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-44-96** For the purpose of establishing a permit program for tree removal adjacent to public rights-of-way; establishing Tree Conservation Areas; and all matters relating to said trees.

Alderman Snowden moved to adopt O-44-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

- O-45-96** For the purpose of revising the definition of philanthropic and charitable institutions; providing that philanthropic and charitable institutions are allowed as conditional uses in the R1 district under certain circumstances; and all matters relating to said institutions.

Alderman DeGraff moved to adopt O-45-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

## **RESOLUTIONS**

- R-22-96** For the purpose of creating an ad hoc committee to conduct a feasibility study for designating a central location or several options for skateboarding and in-line skating; and all matters to said ad hoc committee.

Alderman Snowden moved to adopt R-22-96. Seconded. CARRIED on voice vote.

- R-28-96** For the purpose of providing written consent by the City of Annapolis to the proposed assignment to Markethouse Ice Cream, Inc. by Nobody Does It Better, Inc., of its lease with the City of Annapolis for certain space in the Markethouse as required by said lease; and all matters relating to said assignment of lease.

Alderman Snowden moved to adopt R-28-96. Seconded. CARRIED on voice vote.

## **BUSINESS AND MISCELLANEOUS**

2. Proposed Extension of Black Firefighters Consent Decree

Alderman Snowden moved to extend to August 4, 1997, the Consent Decree as cited in Black Firefighters v. Charles W. Steele, United States District Court for the District of Maryland, Civil No. S85-717. Seconded. CARRIED on voice vote.

3. Renewal of Towing Licenses:  
a. Lowry's Towing  
b. Mason's Towing  
c. Darden Towing

Alderman Snowden moved to approve the renewal of the following towing licenses: Lowry's Towing, Mason's Towing, Darden Towing. Seconded. CARRIED on voice vote.

4. Proposed lease of City property - Metricom (streets rights-of-way)

Their being no voiced objection, the proposed lease was referred to the Finance Committee.

5. Final Plat - Henson Subdivision

There being no voiced objection, the Henson Subdivision Final Plat was amended as follows:

Item No. 9 under "Notes" to read as follows: "Owner shall comply with City Council Resolution No. R-22-95 Amended."

Alderman Snowden moved to approve the Henson Subdivision Final Plat as amended. Seconded. CARRIED on voice vote.

6. Economic Matters Committee Minutes of 6/3/96

Alderman Snowden moved to approve the Economic Matters Committee Minutes of 6/3/96. Seconded. CARRIED on voice vote.

7. Housing and Community Development Committee Minutes of 5/1/96

Alderman Snowden moved to approve the Housing and Community Development Minutes of 5/1/96. Seconded. CARRIED on voice vote.

8. Finance Committee Minutes of 5/30/96

Alderman Snowden moved to approve the Finance Committee Minutes of 5/30/96. Seconded. CARRIED on voice vote.

9. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

10. Appointments

Alderman Snowden moved to confirm the Mayor's appointments/reappointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated June 3, 1996 and June 4, 1996:

Alcoholic Beverage Control Board:	Ronald Wolod
Annapolis Conservancy Board:	Dixie A. Sangster
Commission on Aging:	William Lorenz
	James Higgins
Environmental Commission:	David Williams
Human Relations Commission:	Ida Mae Sims
	Ludlow A. Carroll
	Diane K. Diamond
Recreation Advisory Board:	Janis L. Erskine
	Thomas P. Ribis
Transportation Advisory Board:	Laureen Toney
	Sylvanus B. Jones
	Edward D. Scudder

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:40 p.m.

**Patricia L. Bembe, CMC/AAE  
City Clerk**